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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,376	10/16/2001	Masahiro Fukuda	1163-0363P	3054
2292	7590	03/21/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			NATNAEL, PAULOS M	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2622	
DATE MAILED: 03/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/977,376	FUKUDA, MASAHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paulos M. Natnael	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 January 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 9-13, 19-25 is/are rejected.  
 7) Claim(s) 4-8 and 14-18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/21/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 9-13, 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker, WO # 98/43406.

Considering claims 1 and 11, Walker et al. (hereinafter, "Walker") discloses an apparatus and method for providing supplemental information related to video programs. A customer (101) can request specific supplemental information related to one or more characters within the broadcast television program (130). The supplemental information is synchronized to the audio component of the television program... Through a computer network (1150), a customer (101) can request and receive specific supplemental audio/video information related to a video program... The video program can be, for example, a live broadcast television program or a time-shifted tape recording of a television program. The supplemental information is synchronized to the video program by using a time code which is integrated with the video program. This enables the supplemental information to be viewed and/or listened to in harmony with the events or action of the video program. (see Abstract)

Walker discloses a display device configured to receive a video program, the video program including an audio component, a visual component and synchronization information; a server including a controller and storage device operatively connected to said controller; said storage device contains a first program, adapted to be executed by said controller, for processing a request for supplemental information related to said video program, for receiving information corresponding to said synchronization information, for synchronizing the supplemental information to said video program, and for transmitting the synchronized supplemental information through a data communication network, a data processing apparatus including a CPU and a memory connected to said CPU; and said memory containing a program, adapted to be executed by said CPU, for requesting the supplemental information from said server, for transmitting information corresponding to said synchronization information to said server, for receiving the supplemental information via the data communication network, and for displaying the supplemental information synchronized to said video program.

(Pg. 65, see also Figures 11,12 and 13) Note that Walker teaches the supplemental information is related to the video program, which video program includes audio information, visual information as well as synchronization information. See page 65.

And the integrated display device 1300 (fig.13) allows the video program and the supplemental information to be viewed on a single display 1313. See page 37-41. The Supplemental information as well as video program data, are clearly independent as well as interchangeable, because the supplemental data can be information related to

particular characters in a TV program, such as audio information. See page 9, lines 26-31; See also pg. 10, lines 11-13. [emphasis added]

Considering claim 2, see rejection of claim 1, and particularly the disclosure that "the supplemental information synchronized to said video program.

As to claim 3, Walker teaches the supplemental information is synchronized to the video program by using a time code which is integrated with the video program. This enables the supplemental information to be viewed and/or listened to in harmony with the events or action of the video program, (see Abstract) and that the integrated display device 1300 (fig.13) allows the video program and the supplemental information to be viewed on a single display 1313. (See Abstract and page 37+)

Considering claim 9, Walker discloses computer data communication network 1150 (fig.11) which is used for transmitting request as well as receiving the supplemental data from the server.

Regarding claim 10, Walker teaches video processor 1307 which receives and processes the information from outside source 1311 (fig.13). (See also web site server 1160, fig. 11)

Regarding claim 12, see rejection of claim 2, as claim 12 is a method claim of claim 2.

Regarding claim 13, see rejection of claim 3, as claim 13 is a method claim of claim 3.

Regarding claim 19, see rejection of claim 9, as claim 19 is a method claim of claim 9.

Regarding claim 20, see rejection of claim 10, as claim 20 is a method claim of claim 10.

Considering claim 21, Walker discloses a television receiver 1120 (fig.11), which receiver receives television signals. Walker teaches that the received television signal may be analog or digital. Page 39, lines 13-16. Walker discloses the video processor 1307 receives, decodes or processes the video data as well as the supplemental information. It is well known in the art of television that digital video signals are transmitted as stream data and received by the receiver as a transport stream. Walker therefore inherently teaches a transport stream. Furthermore, Walker discloses an input/output interface 1308 that outputs the combined video data and the supplemental data to the display 1313. Walker teaches the supplemental data (corresponding to the claimed associated data) originates from the Server while the Television signal originates from video source 1110. (See fig.11) As to the added information decoder, Walker does not specifically use the word decoding; however, processing inherently involves separating and decoding the received signal, because without decoding the received data the system cannot process it. Thus, the claimed transport separating and decoding is inherently disclosed by the system of Walker.

Considering claim 22, see Fig.11 illustrating two separate video data sources. See also rejection of claim 21.

As to claim 23, see rejection of claim 1 above.

As to claim 24, see rejection of claims 1 and 21.

As to claim 25, see rejection of claim 1 as well.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

4. Claims **4-8** and **14-18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

5. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 21 November, 2005 prompted the

new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 9am - 5:30pmn.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael  
Primary Examiner  
Art Unit 2614

March 13, 2006